

1996 ANNUAL REPORT
INDIANA JUDICIAL NOMINATING COMMISSION
COMMISSION ON JUDICIAL QUALIFICATIONS

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The Commission met on eleven occasions in 1996, three of which were dedicated to the selection of three nominees for appointment as successor to Justice Roger O. DeBruler. The Nominating Commission conducted public interviews of the twenty-three applicants for the vacancy, and conducted second interviews of the nine semi-finalists. The Commission nominated Indiana attorney Theodore R. Boehm, the Honorable Sanford M. Brook, St. Joseph Superior Court, and the Honorable Edward W. Najam, Jr., Indiana Court of Appeals. Governor Evan Bayh appointed Justice Boehm, who was sworn in on August 7, 1996.

Also in 1996, the Nominating Commission selected Chief Justice Randall T. Shepard to his third five-year term as Chief Justice of Indiana, beginning in March, 1997. The Nominating Commission also certified thirty-two new Senior Judges and recertified 21 Senior Judges.

The Qualifications Commission considered two hundred sixty-eight complaints of ethical misconduct against Indiana judges and judicial candidates, a 43% increase over the number in 1995. Two hundred eighteen, or 82% of the complaints were dismissed by the Commission as not raising substantial issues of ethical misconduct. Of the other fifty complaints, all of which were investigated, thirteen were dismissed, sixteen were dismissed with private cautions, two resulted in public Commission admonitions in lieu of charges, four were resolved with the Court's acceptance of a settlement agreement, *Matter of Sanders*, 674

N.E.2d 165, (Ind. 1996), and one was resolved by the Court's Order of removal from office and minimum two-year suspension from practice, *Matter of McClain*, 662 N.E.2d 935 (Ind. 1996), *cert. denied*. Fourteen cases were pending at the end of 1996.

In 1996, the Commission filed formal disciplinary charges on five occasions, two involving the same judge. Two of the disciplinary proceedings involved alleged misconduct by judicial candidates. Four of the five were pending at the end of the year, one on a settlement agreement, one pending trial in March, 1997, and two pending an agreement between the judge and the Commission.

Throughout 1996, Commission counsel was available to judges and candidates to help them resolve their ethical dilemmas. Counsel also participated in panel discussions on ethical issues at the annual Judicial Conference and at the orientation session for new judges, and, in July, attended the annual meeting of the Association of Judicial Disciplinary Counsel in Washington, D.C.

The Chief Justice of Indiana is the *ex officio* Chairman of the Commission. Other Commission members serving in 1996 were Theodore Lockyear, Judy Johns Jackson, Douglas Hill, Timothy Roberts, Thomas Singer, Daniel Roby, and Ann Borne.